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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,618	12/04/2003	Eugene J. Piekenbrock	DIRE-1-1001	2553
25315	7590 09/01/2005	•	EXAM	INER
BLACK LOWE & GRAHAM, PLLC			TSAY, FRANK	
701 FIFTH AVENUE SUITE 4800			ART UNIT	PAPER NUMBER
SEATTLE, '	WA 98104	3672	<u> </u>	
			DATE MAILED: 09/01/200	5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary 107728,618						
## Examiner ## Frank S. Tsay ## Month S. Tsay ## MONTH S. The Correct Substance of Su		Application No.	Applicant(s)			
Frank S. Tsay A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. THE MAILING DATE OF THIS COMMUNICATION He period for mely specified above is less than thirty (30) days, a reply when the stabulary minimum of thirty (30) days will be considered simely. If the period for mely specified above is less than thirty (30) days, a reply when the stabulary minimum of thirty (30) days will be considered simely. If the period for mely specified above is less than thirty (30) days, a reply when the stabulary minimum of thirty (30) days will be considered simely. If the period for mely specified above is less than thirty (30) days, a reply when the stabulary minimum of thirty (30) days will be considered simely. If the period for mely specified above is less than the five morth's after the mailing date of this communication. Any reply reduced by the Office shart than three morth's after the mailing date of this communication. Any reply reduced by the Office shart than three morth's after the mailing date of this communication. Any reply reduced by the Office shart than three morth's after the mailing date of this communication. Any reply reduced by the Office shart than three morth's after the mailing date of this communication. Any reply reduced by the Communication is condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Experte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-10 is/are pending in the application 4) Claim(s) 1-10 is/are allowed. 6) Claim(s) 1-10 is/are allowed. 6) Claim(s) 1-10 is/are allowed. 6) Claim(s) 1-10 is/are allowed. 7) Claim(s) 1-10 is/are allowed. 8) Claim(s) 1-10 is/are allowed. 8) Claim(s) 1-10 is/are allowed. 10) The data of the above claim(s) 1-10 is/are allowed. 10) Claim(s) 1-10 is/are allowed. 10) Claim(s) 1-10 is/are all		10/728,618	PIEKENBROCK, EUGENE J.			
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DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 4 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification fails to teach or suggest how "the carbon dioxide in the zone that previously contained in the natural gas hydrates" can be sequestered form the formation without simultaneously removing the injected carbon dioxide.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 1, "the carbon dioxide" in step (c) fails to positively distinguish fro the same in step (a).

Claim 4, the relationship between "the appropriate depth" in step (c) and the "subterranean formation" is lacking; step (f) "at least part of said carbon dioxide" is

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indefinite, since there involves two different sources of carbon dioxide one in the natural gas, and another in the injectant.

Claim 7, the language "gas/injectant supply" is confusing and appears in error; "said production well" lacks proper antecedent support, and "the subsurface containment" is structurally indefinite and not understood.

Allowable Subject Matter

Claims 1-8 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 9 and 10 are allowed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Markovs et al, Doshi et al, Wyckoff, and O'Rear et al all teach carbon dioxide removal and natural gas production.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank S. Tsay whose telephone number is (571) 272-7038. The examiner can normally be reached on Monday thru Friday, 7:30am-5:00 pm, 2nd Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on (571)272-6999. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frank S Tsay
Primary Examiner
Art Unit 3672

8/26/05